

## **EXHIBIT D**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 02 2006

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Hobart Brothers (aka Trimark, Inc.)  
3600 W. Lake Avenue  
Glenview, IL 60025

Re: Tremont City Landfill Site, Clark County, Ohio - Landfill Operable Unit -  
Proposed Administrative Settlement Agreement and Order on Consent for  
Interim Removal Action

Dear Sir or Madam:

As you know, in May 2006, the United States Environmental Protection Agency ("U.S. EPA") issued a proposed Administrative Settlement Agreement and Order on Consent for a remedial investigation and feasibility study ("RI/FS AOC") for the Landfill Operable Unit (concerning contamination at the closed "sanitary" landfill facility) of the Site. U.S. EPA issued the proposed RI/FS AOC to those potentially responsible parties ("PRPs") responsible for the largest volume of waste materials disposed of at the landfill facility, including your company.

Several of those larger-volume PRPs, including your company, however, were not afforded an opportunity to enter into a proposed AOC for an interim response action at the Landfill Operable Unit ("interim response AOC"), which U.S. EPA previously issued to certain PRPs during fall 2005 - early 2006. Enclosed, you will find a copy of that proposed interim response AOC, which is revised to include your company and other larger-volume PRPs as named respondents. Please review this proposed settlement agreement at your earliest opportunity.

As a respondent to the enclosed interim removal AOC, you should notify U.S. EPA in writing within ten (10) days of your receipt of this letter concerning your company's willingness to perform, finance and/or discuss the activities described in the enclosed interim removal AOC. Your response should be sent to:

Ron Murawski  
U.S. EPA - Region 5  
Superfund Division (Mail Code SR-6J)  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your company does not wish to negotiate resolution of its potential responsibility in connection with the landfill facility, and that it declines any involvement in performing the described response activities. Your response should indicate the appropriate name, address, and telephone number for further contact with you.

The U.S. EPA believes that a meeting in the very near future among the respondent PRPs (for both proposed AOCs), the Ohio Environmental Protection Agency, and the U.S. EPA is advisable. At the meeting, U.S. EPA would like to discuss with the PRPs their ideas, proposals, or suggestions for addressing conditions at the closed landfill facility under either or both of the two proposed AOCs that have been issued.

At this time, we are proposing generally that the meeting take place in Ohio near early October 2006. Please advise us immediately if you are interested in attending such a meeting or whether this general proposed location and time frame would preclude your attendance. Once we decide concerning an exact location, date and time for the meeting, we will contact you to apprise you of the specific details.

If you need further information regarding this letter, you may contact John Tielsch, Associate Regional Counsel, at (312) 353-7447 or Diana Embil, Associate Regional Counsel, at (312) 886-7889.

Sincerely yours,



Wendy Carney, Chief  
Remedial Response Branch 1  
Superfund Division

Enclosures: Administrative Settlement Agreement and Order on Consent for Interim Response  
at Landfill Operable Unit (interim removal AOC)  
Respondents' Contact Information

cc: Jyl Lapachin  
Ohio EPA  
Swdo, Derr  
401 E. fifth St.  
Dayton, OH 45402-2911

**Respondents' Contact Information**

1. **Waste Management, Inc.**  
Rachel Schneider, Esq.  
Quarles & Brady LLP  
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[RSchneider@quarles.com](mailto:RSchneider@quarles.com)
2. **Springfield Gas Company, Inc.**  
Josh C. Whetzel  
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Phillip Custer, II, President  
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[custer@icubed.com](mailto:custer@icubed.com)  
[custer@landfillgas.com](mailto:custer@landfillgas.com)
3. **Allied Waste Industries, Inc.**  
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(816) 460-5813; (816) 292-2001  
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4. **Tremont Landfill Company, Inc.**  
Thomas T. Terp, Esq.  
Taft, Stettinius & Hollister LLP  
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(513) 357-9354 (direct); (513) 381-0205 (fax)  
[terp@taftlaw.com](mailto:terp@taftlaw.com)

5. **International Truck & Engine Corporation**  
Mr. Dave Piech  
4201 Winfield Road  
P.O. Box 1488  
Warrenville, IL 60555
6. **Goodyear Tire & Rubber**  
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7. **SK Construction**  
2514 ATCO Avenue  
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8. **Delco**  
1450 W. Long Lake 4<sup>th</sup> Floor  
Troy, MI 48098
9. **Peerless Transportation**  
PO Box 1296  
Dayton, OH 45401
10. **Hobart Brothers (aka Trimark, Inc.)**  
3600 W. Lake Avenue  
Glenview, IL 60025.
11. **Reliable Construction Services**  
PO Box 143  
Dayton, OH 45404-0143